

IN THE CLAIMS

Please amend the claims as follows:

Claims 1-52 (Cancelled).

Claim 53 (New): A polypeptide comprising:

SEQ ID NO: 8, except that the amino acid residue at position 490 is an amino acid other than glutamic acid, or

a fragment of SEQ ID NO: 8 except that the amino acid residue at position number 490 is an amino acid other than glutamic acid,

wherein said polypeptide or said polypeptide fragment has luciferase activity and retains more than 85% of its luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 54 (New): The polypeptide of Claim 53 which comprises SEQ ID NO: 8, except that the amino acid residue at position number 490 is an amino acid other than glutamic acid.

Claim 55 (New): The polypeptide of Claim 53 which comprises a fragment of SEQ ID NO: 8, except that the amino acid residue at position number 490 is an amino acid other than glutamic acid.

Claim 56 (New): A polypeptide comprising SEQ ID NO: 4 or a fragment of SEQ ID NO: 4, wherein said fragment has luciferase activity and retains more than 85% of its

luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 57 (New): A polypeptide comprising SEQ ID NO: 6 or a fragment of SEQ ID NO: 6, wherein said fragment has luciferase activity and retains more than 85% of its luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 58 (New): A nucleic acid encoding a polypeptide comprising:
SEQ ID NO: 8 except that the amino acid residue at position 490 is an amino acid other than glutamic acid, or
a fragment of SEQ ID NO: 8 except that the amino acid residue at position number 490 is an amino acid other than glutamic acid,

wherein said polypeptide or said polypeptide fragment has luciferase activity and retains more than 85% of its luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 59 (New): The nucleic acid of Claim 58 which encodes a polypeptide comprising SEQ ID NO: 8, except that the amino acid residue at position number 490 is an amino acid other than glutamic acid.

Claim 60 (New): The nucleic acid of Claim 58 which encodes a polypeptide fragment of SEQ ID NO: 8, except that the amino acid residue at position number 490 is an amino acid other than glutamic acid.

Claim 61 (New): A nucleic acid that encodes a polypeptide comprising SEQ ID NO: 4 or a fragment of SEQ ID NO: 4, wherein said fragment has luciferase activity and retains more than 85% of its luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 62 (New): The nucleic acid of Claim 61 that comprises SEQ ID NO: 3 or a fragment of SEQ ID NO: 3.

Claim 63 (New): A nucleic acid that encodes a polypeptide comprising SEQ ID NO: 6 or a fragment of SEQ ID NO: 6, wherein said fragment has luciferase activity and retains more than 85% of its luciferase activity in the presence of 0.1% benzalkonium chloride compared to its luciferase activity as measured in the absence of benzalkonium chloride.

Claim 64 (New): The nucleic acid of Claim 63 that comprises SEQ ID NO: 5 or a fragment of SEQ ID NO: 5.

Claim 65 (New): A vector comprising the nucleic acid of Claim 58.

Claim 66 (New): A vector comprising the nucleic acid of Claim 61.

Claim 67 (New): A vector comprising the nucleic acid of Claim 63.

Claim 68 (New): A host cell comprising the nucleic acid of Claim 58.

Claim 69 (New): A host cell comprising the nucleic acid of Claim 61.

Claim 70 (New): A host cell comprising the nucleic acid of Claim 63.

Claim 71 (New): A method for expressing a polypeptide having luciferase activity comprising culturing the host cell of Claim 68 in a medium suitable for expression of said nucleic acid.

Claim 72 (New): A method for expressing a polypeptide having luciferase activity comprising culturing the host cell of Claim 69 in a medium suitable for expression of said nucleic acid.

Claim 73 (New): A method for expressing a polypeptide having luciferase activity comprising culturing the host cell of Claim 70 in a medium suitable for expression of said nucleic acid.